

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: 10/16/19

WBAI et al.,

Petitioners,

-v-

PACIFICA FOUNDATION,

Respondent.

19 Civ. 9387 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

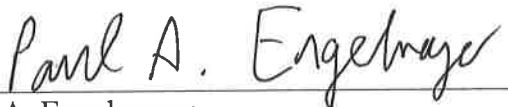
The Court has received petitioners' motion for an emergency conference. Dkt. 18. The Court has also reviewed the ensuing correspondence, including petitioners' counsel's two subsequent letters on this topic, Dkt. 24 and 26, and respondent's corresponding replies, Dkt. 25 and 27. In light of the hearing scheduled for October 21, 2019, petitioners' request is denied and the TRO entered by this Court yesterday remains in force. The Court will take up the issues presented in petitioners' counsel's letter at the October 21 conference, including the continuing need for the relief imposed by the TRO.

Contrary to counsel's characterization, the TRO entered by this Court, Dkt. 16, does not enjoin members of Pacifica's Board of Directors from calling meetings when they have a right to do so under their Bylaws. Rather, until the October 21 conference, they are enjoined from doing so without following the notice and other procedures set forth in the Bylaws. Similarly, petitioners' counsel is not, as he claims, enjoined from communicating with potential witnesses in this matter. However, because the Pacifica Foundation is a represented party, to the extent counsel seeks, before the October 21 conference, to contact any employees or board members of the same, he must do so through Pacifica's counsel. The Court notes that on October 12, 2019,

petitioners' counsel moved to dismiss individual petitioners Alex Steinberg and James Sagurton from the case with prejudice. Dkt. 15. That motion is granted *nunc pro tunc*. None of the remaining three petitioners are described as members of the Pacifica national board.

The parallel briefing schedule set forth in the Court's Orders at Dkt. 16 and Dkt. 17 remain in effect.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: October 16, 2019
New York, New York